

**GOVERNMENT OF TELANGANA
ABSTRACT**

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of Pawar Lavakush S/o Pawar Balaji R/o Thadihadapnoor (V) of Narnoor Mandal of Adilabad District by the Collector and District Magistrate, Adilabad District vide Procgs. Rc.No.C3/189/2020, dated 01.02.2020 - Appeal filed by Pawar Lavakush S/o Pawar Balaji R/o Thadihadapnoor (V) of Narnoor Mandal of Adilabad District – Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 23

Date: 10.02.2021

Read the following:-

1. G.O. Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procgs.Rc.No C3/189/2020, dated 1.02.2020 of the Collector and District Magistrate, Adilabad District.
3. Appeal petition filed by Pawar Lavakush S/o Pawar Balaji R/o Thadihadapnoor (V) of Narnoor Mandal of Adilabad District, dated 20.02.2020.
4. Govt.Memo.No.305/TW.LTR/2020, dated 06.06.2020.
5. Lr.No.D5/309/2018, Dt:30.07.2020 of PO.ITDA, Utnoor Mandal, Adilabad District.
6. Notice No305/TW.LTR/2020, dated: 21-09-2020.

ORDER:

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Collector and District Magistrate,, Adilabad District vide her orders in the reference 2nd cited, has issued orders cancelling the Agency Area ST Certificate bearing No.B/143/2018, dt.05.09.2018 issued by the Tahsildar, Narnoor to the Appellant Pawar Lavakush S/o Pawar Balaji R/o Tadihadapnoor (vg) of Narnoor Mandal of Adilabad District, agreeing with the following recommendations of the Scrutiny Committee constituted as per orders issued in GO Ms.No.24, TW (LTR.1) Department, dated 12.06.2018:

- Pawar Lavakush S/o Pawar Balaji R/o Tadihadapnoor (village) of Narnoor Mandal of Adilabad District appeared before the Scrutiny Committee on 16.09.2019 along with all relevant documents in support of his claim:
- Accordingly, he appeared before the Scrutiny Committee on 16.09.2019 and submitted the following documents:
 - Family Tree.
 - Pahani of 1344 fasli (1934 year).
 - Migration certificate issued by Tahsildar, Utnoor vide No.E/4062/2012, dated: 23-07-2012.

(Contd...2)

::2::

- Caste certificate No.CND021503312243, Dt:01-12-2015 issued by the Tahsildar, Narnoor.
 - Khasra Pahani for the year 1954-55.
 - Pahanies of 1955-56,1956-57 and 1965-66.
 - Voter list for the year 1971.
 - Voter List for the year 1988.
- Scrutiny Committee had verified the above records and concluded with the following findings:
 - No documentary evidences produced after 1977 to till date.
 - No evidences produced to prove relationship between applicant's grandfather and brother of the grandfather.
 - The applicant was further directed to attend before the District Collector, Adilabad on 31-01-2020 to prove his claim as Local Schedule Tribe with relevant material/documents.
 - Accordingly, he attended before the District Collector, Adilabad on 31.01.2020 and submitted his statement in writing stating that his forefathers resided prior to 1950 in Hasnapur village, in 1960 his grandfather Sri Pawar Redya migrated to Dhanora village of Sirpur-U Mandal, but his grandfather's brother Sri Pawar Bodya S/o Gobriya resided in Hasnapur village and sold their ancestral property to others. After that, his grandfather's brother Sri Pawar Bodya S/o Gobriya's family migrated and settled in Birlagondi village of Boath Mandal. Further he stated that his grandfather Sri Pawar Redya S/o Gobriya migrated from Dhannur village of Sirpur-U Mandal to then Tadihatnur village of Narnoor Mandal in the year 1972 and residing in Tadihatnur village till date.
 - The following discrepancies were found:
 - The applicant claims that his grandfathers have migrated to (3) different places and no migration certificate is produced.
 - The land documents proof produced in village Hasnapur pertains to that of one Sri Gobriya and Bodiya. But no documents in Hasnapur are related to Redya who is his grandfather.
 - The clear relationship between Redya and Bodiya are not established.
 - The candidate failed to prove his continuous residence in Agency area since 1950 and the relationship between Redya and Bodya not established.
3. Aggrieved by the above cancellation orders of the Collector and District

(Contd...3)

Magistrate, Adilabad district, the Appellant Pawar Lavakush S/o Pawar Balaji has filed an Appeal before the Government under G.O.Ms.No.24, dt.12.6.2018, wherein he stated that:

- He has been selected to the post of Panchayat Secretary vide Notification No.2560/CPR&RE/B2/2017, dated 31.8.2018.
- As per directions of District Panchayat Officer, he attended before the Committee on 16.9.2019 and submitted documents support of his claim i.e. Family Tree, Pahani for the Fasli year 1344 (year 1934), Migration Certificate issued by Tahsildar, Utnoor dt.23.07.2012, Khasra Pahani for the year 1954-55, Pahani for the year 1955-56, 1956-57 and 1965-66, Voter list for the year 1977.
- It is obligatory on the part of the District Collector, Adilabad to give an opportunity of personal hearing before recording its final conclusion. In the instant case, no such opportunity of personal hearing given nor any preliminary enquiry regarding material documents confronted through experts nor examined any witnesses nor marked any documents as material exhibits.
- There is no justification to have negative opinion regarding the material documents submitted by the petitioner while and during enquiry which are genuine, authentic and issued after following due process and standing rules with law.
- He submitted documents again like Family Tree, Pahani for the year 1344 Fasli (1934 year), Migration Certificate issued by the Tahsildar, Utnoor, dated 23.7.2012, Theensal Khasra Pahani for the years 1954-55 to 1956-57, Pahani for the year 1965-66, Voters list for the year 1971 and 1988.

4. Therefore, the appellant Pawar Lavakush S/o Pawar Balaji prayed the Hon'ble Appellate Authority to consider the Appeal and set aside the order of District Collector dt.01.02.2020 and to pass such other order or orders as deemed fit and proper.

5. The Appellant Pawar Lavakush S/o Pawar Balaji has submitted following documents along with the Appeal and also during hearing on 29.9.2020:

i) Family Tree:

- Great Grand-father Pawar Gobriya has two sons namely 1) Bodiya and 2) Redya (grandfather of appellant).
- Grandfather Redya has four sons viz., 1) Balaji (father of appellant) 2) Ganesh, 3) Santhosh, 4) Ram.
- Balaji (father of appellant) has four children namely 1) Lavakush (Son and appellant herein) 2) Suguna (daughter), 3) Aruna (daughter) and 4) Gyaneshwar (Son).
- The family tree has been certified by the Village Revenue Officer, Hasnapur of Utnoor Mandal and further certified that forefathers of the appellant lived in Hasnapur village till 1955 and later migrated to Tadihathnoor village.

ii) Pahani extract for 1344 Fasli (1934 year) written in Marathi Modi

(Contd...4)

language translated by Nagorao Jhade, Marathi Modi Translator, R/o Mahagaon, Narnoor Mandal, Adilabad District and true copy attested.

It is a Taktha Jamabandhi Sal Tamam having Namuna Number (4) pertaining to Hasnapur village, Utnoor Taluka, Adilabad district. The Namuna Number (4) showing the name of Gobarya S/o Bhanu (i.e. great grandfather of the Appellant) raised Jowar.

- iii) Khasra Pahani for the year 1954-55: Sri Bodiya (brother of appellant's grandfather Redya) R/o Hasnapur is found for an extent of Acs.4.00 – this was attested by the Deputy Tahsildar, Utnoor.
- iv) Declaration by the Sarpanch, GP Shamanaikthanda, PESA Committee, Shamanaikthanda, Sarpanch, GP Dhanora-B, Sirpur-U Mandal, Sarpanch, GP Thadihadapnoor, Mandal: Narnoor – wherein they certified that Pawar Gobriya (great grandfather of appellant) lived in Samanaikthanda of Hasnapur from before 1950 and later i.e. in the year 1960 migrated to Dhanora-P village of Sirpur-U Mandal due to financial burdens and ill-health. In the years 1973/1974, Pawar Gobriya settled in Thadihadapnoor village of Narnoor Mandal. Pawar Gobriya and his two sons and their children have been living in the village doing agriculture. Thus, they have been living in the agency villages from before 1950.
- v) Teensal Pahani for the years 1955-56 to 1957-58 of Hasnapur village: Name of Bodiya (brother of grandfather of appellant) recorded for an extent of acs.15.00 in Sy.No.30 Sarkari.
- vi) Voter list for the year 1971 - 237 Boath Assembly Constituency - Part No.311 – village: Dhanora – Firka: Marlavai – Taluq: Utnoor shows name of Pawar Redya (grandfather of appellant) at Sl.No.154 and grandmother Mothibai at Sl.No.155 under H.No.1-53.
- vii) Voter list for the year 1977 – 241 Boath Assembly Constituency – Part No.45 – village: Heerapur – Firka: Ichoda – Taluq: Boath – shows name of Bodya S/o Gobriya (elder brother of grandfather of appellant Redya) at Sl.No.53 and his wife Smt.Lakshmibai at Sl.No.54.
- viii) Voter list for the year 1988 – Khanapur (ST) Assembly Constituency – Polling Station No.20 – village: Tadihadapnoor – shows name of Pawar Mothibai W/o Redya (grandmother of appellant) at Sl.No.971 and Balu S/o Redya (father of appellant) at Sl.No.972.
- ix) Cattle Sale Registration No.13 of GP Tadihathnoor, Taluq: Utnoor dated 7.1.1977 – Name of Seller: Hussain S/o Raojee R/o Gangapoor Tq. Utnoor – Name of Purchaser: Reddiya S/o Gobriya (grandfather of appellant) village: Tadihathnoor, Tq. Utnoor – fee of GP 2.00 paid on the cost of bullock worth Rs.100/- – translated from Marathi – Issued by Sarpanch, GP Thadihadapnoor.

(Contd...5)

::5::

- x) Certificate dated 17.11.2011 issued by GP Tadihadapnoor (signed by Sarpanch and Karobari) wherein it was certified that name of Sri Pawar Redya S/o Gobriya R/o Thadihadapnoor of Narnoor Mandal (grandfather of appellant) has been entered in the House Tax Register of 1973-74 and his son Pawar Balaji is also entered as legal heir of Pawar Redya.
 - xi) Certificate issued by Tahsildar, Utnoor vide No.E/4062/2012, dt.23.07.2012 wherein it was certified that Kum.Pawar Lavakush S/o Pawar Balaji belongs to Lambada (ST) community presently residing at Tadihathnoor village of Narnoor Mandal, His forefathers previously resided (from 1950 to 1955) at Hasnapur village of Utnoor Mandal which is Tribal notified.
 - xii) Migration certificate issued by Tahsildar, Sirpur-U Mandal, of KB Asifabad Dist. bearing Rc.No.C/445/2019, ddt.19.10.2019 wherein it was certified that on the basis of certification made by the Village Revenue Officer, Mahagaon and Mandal Girdhwar-I, Sirpur (U), forefathers and parents of Sri Pawar Balaji S/o Redya presently R/o Tadihathnoor village of Narnoor Mandal of Adilabad District were residents of Dhanora-P village from the year 1960 to 1972 as per 1971 voter list and they migrated in the year 1972 from this Mandal i.e. Sirpur-M.
6. Vide reference 4th read above, the Collector and District Magistrate, Adilabad has been requested to submit connected documents pertaining to the case along with para-wise remarks.
7. Accordingly, vide reference 5th read above, the PO ITDA, Utnoor District has submitted original record of the case along with para wise remarks.
8. Vide reference 6th read above, a Notice has been sent to the Appellant to attend for hearing on 29.09.2020 at 11.00 AM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 29.09.2020 and submitted the documents as submitted along with Appeal Petition.
9. From the above documentary evidences i.e. land record of Hasnapur, migration certificate and resolutions/declarations made by the villagers and Gram Panchayas of GPs Shamaikthanda (Utnoor), Dhanora-P (Sirpur-U Mandal) and Thadihadapnoor (Narnoor Mandal), it is clear that the appellant Pawar Lavakush S/o Pawar Balaji and forefathers have been the continuous residents of agency villages from 1950 namely Hasnapur (Utnoor Mandal) Dhanora-P (Sirpur-U) and Thadihadapnoor of Narnoor Mandal of Adilabad District.
10. From the record, there is no complaint made against the Appellant Pawar Lavakush S/o Pawar Balaji, R/o Thadihadapnoor village of Narnoor Mandal of Adilabad district and the District Collector, Adilabad ought to have informed the same to the appointing authority i.e. District Panchayat Officer, Adilabad about his genuineness as per the above directions of the Hon'ble High Court, but instead conducted inquiry into the genuineness of his Agency Area Local ST Certificate No.B/143/2018, dt.05.09.2018 issued by the

(Contd...6)

Tahsildar, Narnoor Mandal of Adilabad district and cancelled it. On this count also, the appeal deserves to be allowed.

11. Government after careful examination of the documents available on record sent by the PO, ITDA, Utnoor, Adilabad District, and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 29.09.2020 i.e. land record of Hasnapur, Migration certificate and resolutions/declarations made by the villagers and Gram Panchayats of GPs Shamanaikthanda (Utnoor), Dhanora-P (Sirpur-U Mandal) and Thadihadapnoor (Narnoor Mandal) and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018 it is found that the Appellant Pawar Lavakush S/o Pawar Balaji his forefathers have been the continuous residents of agency villages from before 1950 namely Hasnapur (Utnoor Mandal) Dhanora-P (Sirpur-U) and Thadihadapnoor of Narnoor Mandal of Adilabad District.

12. Accordingly, Government hereby set aside orders of the Collector and District Magistrate, Adilabad in Procs.Rc.No.C3/189/2020, dt.01.02.2020, and allow the Appeal Petition filed by Pawar Lavakush S/o Pawar Balaji R/o Thadihadapnoor (V) of Narnoor Mandal of Adilabad District and declaring the appellant as Local ST of Agency village of Thadihadapnoor and treating the LSTAC bearing No.B/143/2018, dt.05.09.2018 issued by the Tahsildar, Narnoor as valid.

13. The Collector and District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

1. The Collector and District Magistrate, Adilabad District.
2. Pawar Lavakush S/o Pawar Balaji, R/o Thadihadapnoor village of Narnoor Mandal, Adilabad district.

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Project Officer, ITDA, Utnoor, Adilabad District (for information & necessary action)
3. The District Panchayath Officer, Adilabad District. (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
6. The PS to Special Secretary (TW)
7. SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER